

**GOVERNMENT OF ANDHRA PRADESH**  
**ABSTRACT**

Tribal Welfare-Khammam District-Revision petition filed by Sri Paddem Muthayya – Against the Orders of the Agent to Government, Khammam in C.M.A No:150 of 1973 dated:02-08-1975-Dissmised –Orders –Issued.

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SOCIAL WELFARE (LTR-2) DEPARTMENT

**G.O.Ms No: 175**

Dated:02 -09-2008.

Read the Following:

1. From Sri Paddem Muthaiah, Khammam District, Revision Petition Dated: 19-09-1975.
2. Government Memo No: 2409/F2/75-1 Dated: 04-10-1975.
3. From the District Collector Khammam Rc.No: F2/CMA 150/73 dated: 03-07-2007.
4. Government Letter No: 2409/LTR2/975 Dated: 06-07-2000, 09-08-2001, 02-11-2001, 03-04-2007, 07-06-2007 and 22-08-2007.

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**ORDER:**

In the reference 1<sup>st</sup> read above, Sri Paddem Muthaiah R/O Tekulaboru (V) Khammam District has filed Revision Petition before the Government against the Orders of the Agent to Government, Khammam District in C.M.A No:150/73 dated: 02-08-1975 in respect of land admeasuring 6 acres in Survey No:12 of Tekulaboru (V) of Khammam District. The main grounds of the appeal are as follows:

- i). The petitioner is a tribal. His father owned a land of about 6 acres in Tekulaboru village of Khammam District which is in scheduled area. The petitioner and his father leased out the said land to one Gondesi Ramulu, i.e. husband of the respondent herein i.e. Gondesi Appalanarsamma, non-tribal. At the time of lease, the petitioner was a minor child and subsequently his father died.
- ii). After expiry of the lease when the petitioner demanded redelivery of the land, the respondent's husband refused.
- iii). No evidence or document has been placed before the Agent to Government to show how kanakamma, the vendor of the respondent i.e. Ramulu (husband of respondent in the Revision Petition) got the scheduled land.

2. The brief history of the case is that a case was initiated on a petition filed by the Revision Petitioner Paddam Muthaiah (ST) who belongs to koya community, before the Special Agent to Government and Sub-Collector, Bhadrachalam claiming that his father Paddam Vungadu has got Acres 6.00 of patta land in Sy.No:12 of Tekulaboru Village and the said land was given to one Gondesi Ramulu (Non-Tribal) for lease for 10 years. When the Revision Petitioner Paddam Muthaiah asked Gondesi Ramulu to return the land, he did not return, and hence he filed a Petition before the Special Assistant Agent, Bhadrachalam. The Special Assistant Agent, Bhadrachalam in his Order in O.P.13/65 dated:04-06-1973 concluded after hearing the witnesses of both the petitioner and respondent, that Gondesi Kanakamma had no valid title over the dispute land which she in turn has transferred to present Gondesi Appala Narsamma (Respondent No:2), that the claim of the present Respondent (Gondesi Ramulu and Gondesi Appala Narsamma) are invalid as the transfer had no valid claim over the property, and that the land is to be delivered to the petitioner (Padam Muthaiah). Aggrieved by the Orders of the Special Agent to Government, Bhadrachalam Gondesi Appala Narasamma, w/o Gondesi Ramulu filed an appeal before the Agent to Government, Bhadrachalam. After due process and upon perusal of the connected case records and upon perusal of the material evidences, the Agent to Government disposed the CMA No:150/1973 on 2-08-1975 by

setting aside the Orders of the Special Assistant Agent, Bhadrachalam with a finding that the lower court delivered the orders basing on the oral evidences of the relatives of the petitioner but the records maintained by the Estate and other recorded evidences were not taken into cognizance . Aggrieved by the Orders of the Agent to Government Sri Paddam Muthaiah filed Revision Petition before the Government.

3. In the reference 2<sup>nd</sup> read above, the Agent to Government was requested to furnish Para wise remarks and records and the same were furnished through the reference third read above. In the reference 4<sup>th</sup> read above hearing intimations were sent to both the parties and the case was finally heard on 22-08-2007. Neither the Petitioners/respondents nor their counsels were present.

4. Government after perusal of the material documentary evidence available on record observed that:

- i) The village is an Estate village belonging to VR Puram Rajahs (Rekhapalli Estate). The Special Assistant Agent, Bhadrachalam, who initiated the LTR case had not taken the Estate Records available in the taluq office, Bhadrachalam, into cognizance and not verified regarding the possession of the land.
- ii) On behalf of the tribal petitioners except the oral evidence of the witness, no documentary evidence has been produced. Out of the witnesses, produced in the lower court, most of the witnesses are interested parties and related to the petitioner.
- iii) The entire case of the tribal petitioner is based on a statement made before the Deputy Tahsildar (Debt Relief) by husband of the respondent that the land belonged to the petitioner's father. It was not even a sworn statement and hence, it could not be given much importance and cognizance particularly when other evidence such as Estate Jamabandi Register etc was produced to show the occupation of Kanakamma i.e vendor of the respondent even during 1940. The petitioner at one stage deposed before the lower court that he and his father leased out the land to non-tribal respondent for 10 years. In another instance, he again deposed that he was aged about 10 years by the time his father died. All the above depositions are contrary to each other.
- iv) As per the Estate Records, Vempati Polamma i.e. non-tribal was the original pattedar and from Polamma , Gandesi Kanakamma her daughter inherited the title and in 1961 through a registered Sale Deed, Gondesi Kanakamma had sold the land to Gondesi Appalanarsamma W/O Gondesi Ramulu . To prove the point, they have produced land revenue receipts to show continuous possession and also the registers maintained by the Rekhapally Estate holders of 1354-55 faslies. The Agent to Government Khammam clearly stated in his orders that "a perusal of the records show that the regular records maintained by the Estate and all the Sy.No. Wise details etc., and any transfers and changes in possession etc., were clearly incorporated survey number wise in these records. Unless any evidence is produced to the contrary, it is not appropriate to come to the conclusion that those records were manipulated and more so when the continuous possession of the appellant was not disputed by both the parties ".
- v) The amendment of Regulation 1 of 1970 which prevents transaction from tribal to non-tribal or non-tribal to non-tribal, came into force w.e.f. 3-2-1970, but the transaction in this case was held through registered document on 12-4-1961 and hence not hit by LTR.

5. Government after careful examination of the case records of the Petitioner, find no reason to interfere with the orders of the Lower Court and uphold the orders of the Agent to Government, Khammam in CMA No:150/1973 dated:2-08-1975. The Revision Petition is dismissed accordingly. The stay granted in Government Memo No:2409/F2/75-1, dated:4-10-1975 stands cancelled.

6. The Collector, Khammam District / Additional Agent to Government and Project Officer, Khammam are requested to take necessary action in the matter.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**V. NAGI REDDY,  
PRL.SECRETARY TO GOVERNMENT**

To

The Collector, Khammam District.

(with RPAD of the following records)

The Agent to Government Khammam CMA No: 150/73 Containing pages(144)

The Additional Agent to Government & Project Officer, ITDA,

Bhadrachalam, Khammam District.

The Special Deputy Collector (TW)

Bhadrachalam, Khammam District.

Sri Paddem Muthaiah, R/O Tekulaboru(V), Khammam District.

Smt Godesi Appala Narasamma, R/O Tekulaboru(V), Khammam District .

The P.S to M (TW & RAID).

SF / SC

//FORWARDED BY ORDER//

SECTION OFFICER